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Sheeran, Atlantic Recording Corporation and
Sony/ATV Music Publishing LLC*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHRYN TOWNSEND GRIFFIN, HELEN
MCDONALD, and THE ESTATE OF CHERRIGALE
TOWNSEND,

Plaintiffs,

-against-

EDWARD CHRISTOPHER SHEERAN, p/k/a ED
SHEERAN, ATLANTIC RECORDING
CORPORATION, d/b/a ATLANTIC RECORDS,
SONY/ATV MUSIC PUBLISHING, LLC, and
WARNER MUSIC GROUP CORPORATION, d/b/a
ASYLUM RECORDS

Defendants.

ECF CASE

17-cv-5221 (RJS)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law and all prior proceedings had herein, defendants Edward Christopher Sheeran, p/k/a Ed Sheeran, Atlantic Recording Corporation d/b/a Atlantic Records and Sony/ATV Music Publishing LLC (collectively, the “Defendants”) shall move this Court, before the Honorable Louis L. Stanton at the Daniel Patrick Moynihan United States Courthouse, Courtroom 21C, 500 Pearl Street, New York, New York, 10007, on a date and time to be determined by the Court, for an Order: (i) pursuant to Local Civil Rule 6.3, granting reargument/reconsideration of the Court’s Opinion and Order dated January 3, 2019 (the

“Decision”) and, upon granting reargument/reconsideration, declaring the harmonic progression and the harmonic rhythm in LGO unprotectable, commonplace musical building blocks and awarding summary judgment to Defendants; or (ii) in the alternative, in the event the Court does not reconsider the Decision and grant summary judgment to Defendants, pursuant to 28 U.S.C. § 1292(b), certifying an interlocutory appeal to the Court of Appeals for the Second Circuit to determine (a) whether the LGO Deposit Copy defines the scope of copyright protection and (b) whether the determination of protectable elements is, consistent with Second Circuit precedent, a legal question committed to the Court, not the trier of fact.

The reasons and grounds for this motion are more fully described in the accompanying papers.

Oral argument shall be held on a date and at a time designated by the Court.

Dated: New York, New York
January 17, 2019

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By: /s/ Donald S. Zakarin
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